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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DEWAYNE CARTER, NYA HARRISON,
and SEDONA PRINCE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

V.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION; PAC-12 CONFERENCE; THE BIG TEN CONFERENCE, INC.; THE BIG 12 CONFERENCE, INC.; SOUTHEASTERN CONFERENCE; and ATLANTIC COAST CONFERENCE.

Defendants.

CASE NO. 3:23-cv-06325-RS

**STIPULATION AND [PROPOSED] ORDER
TO STAY PROCEEDINGS PENDING
DECISION BY THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

[PURSUANT TO CivLR 6-1(b) AND 6-2]

1 Plaintiffs Dewayne Carter, Nya Harrison, and Sedona Prince (“Plaintiffs”) and
2 Defendants National Collegiate Athletic Association, Pac-12 Conference, The Big Ten
3 Conference, Inc., The Big 12 Conference, Inc., Southeastern Conference, and Atlantic Coast
4 Conference (collectively, the “Defendants”, and, together with Plaintiff, the “Parties”), by and
5 through their undersigned counsel of record and subject to the Court’s approval, enter into this
6 stipulation pursuant to Civil Local Rules 6-1(b) and 6-2, with reference to the following
7 circumstances:

8 WHEREAS, Plaintiffs filed the Complaint on December 7, 2023 (Dkt. 1);

9 WHEREAS the deadline for Defendants to answer, move to dismiss, or otherwise
10 respond to the Complaint is currently February 5, 2024;

11 WHEREAS the Parties are currently scheduled to appear before the Court for a Case
12 Management Conference on March 14, 2024 (Dkt. 25);

13 WHEREAS, before Plaintiffs filed the Complaint, one related putative antitrust class
14 action was filed on November 20, 2023—*Alex Fontenot v. NCAA, et al.*, Case No. 1:23-cv-03076
15 (D. Colo.);

16 WHEREAS, on January 16, 2024, Plaintiffs filed a motion with the Judicial Panel on
17 Multidistrict Litigation (“JPML”) seeking to transfer the related action for coordinated or
18 consolidated pretrial proceedings in the Northern District of California (see *In re College Athlete*
19 *Compensation Antitrust Litigation*, MDL No. 3105 (J.P.M.L., filed Jan. 16, 2024));

20 WHEREAS, the Defendants’ deadline to respond to Plaintiffs’ JPML motion is February
21 7, 2024, and Plaintiffs’ deadline to file a reply is February 14, 2024;

22 WHEREAS, counsel for the Plaintiffs and counsel for Defendants have conferred and
23 agree that, to conserve judicial and party resources, all proceedings in this action—including
24 Defendants’ deadline to respond to the Complaint and the scheduled Case Management
25 Conference—should be stayed until after the JPML issues a ruling on Plaintiffs’ Motion to
26 Transfer and any consolidated amended complaint is filed;

1 WHEREAS, the parties agree that if a motion to stay in *Fontenot v. National Collegiate*
2 *Athletic Association et al.*, No. 23-cv-03076 (D. Colo.), is denied, any party can move to lift the
3 stay in this case;

4 WHEREAS, the stipulated stay of proceedings will not otherwise burden the Court;

5 WHEREAS, there have been no other modifications to the schedule in this case.

6 THEREFORE, the Parties stipulate and agree, by and through their undersigned counsel
7 of record and subject to the Court's approval, to stay the proceedings in this action—including
8 Defendants' deadline to respond to the Complaint and the scheduled Case Management
9 Conference—until such time when the JPML issues a ruling on Plaintiffs' Motion to Transfer
10 and any consolidated amended complaint is filed.

11 **IT IS SO STIPULATED.**

13 Dated: January 25, 2024

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Respectfully submitted,

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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order to Stay Proceedings Pending Decision by the Judicial Panel in Multidistrict Litigation. Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I, Rakesh N. Kilaru, attest that concurrence in the filing of this document has been obtained.

Executed this 25th day of January 2024, in Washington, DC.

By: /s/ Rakesh N. Kilaru
Rakesh N. Kilaru
Attorney for Defendant
National Collegiate Athletic Association

1 **[PROPOSED] ORDER**
2

3 Pursuant to stipulation, and for good cause shown, **IT IS ORDERED:**
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5 The proceedings in the above action are stayed until such time when the JPML issues a
6 ruling on Plaintiffs' Motion to Transfer.
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8 **IT IS SO ORDERED.**
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10 Dated: _____
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12 HONORABLE RICHARD SEEBORG
13 United States Chief District Judge
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